UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

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V. Phillip Duffy, et al.,

Sean Rodney Orth,

Plaintiff(s), 2:21-cv-01988-GMN-MDC

DISCOVERY PLAN AND SCHEDULING

ORDER

Defendant(s).

Pursuant to Local Rule 16-1(b), "in actions by or on behalf of inmates under 42 U.S.C. § 1983 ...no discovery plan is required," rather "a scheduling order [is] entered within thirty (30) days after the first defendant answers or otherwise appears." This is an action brought under 42 U.S.C. § 1983. The first defendant filed an answer on **March 25, 2024**, and a scheduling order has not yet been entered. Discovery will be completed as set forth below.

IT IS ORDERED that the following scheduling deadlines apply:

- 1. Parties shall make initial disclosures no later than Wednesday May 8, 2024.
- 2. Discovery: Pursuant to LR 16-1(b) and LR 26-2, discovery in this action shall be completed on or before **Monday**, **October 7**, **2024**.
- 3. Any pleadings that may be brought under Fed. R. Civ. P. 13 & 14 or joining additional parties under Fed. R. Civ. P. 19 & 20, shall be filed and served not later than <u>Tuesday</u>, <u>July 9</u>, <u>2024</u>. Any party causing additional parties to be joined or brought into this action shall contemporaneously therewith cause a copy of this Order to be served upon the new party or parties.
- 4. Amendments to pleadings as provided for under Fed. R. Civ. P. 15, if the same are allowed without leave of court, or motions for leave to amend, shall comply with LR 15-1 and shall be filed and served not later than <u>Tuesday</u>, <u>July 9</u>, <u>2024</u>.

- 5. Expert disclosures shall be made on or before <u>Thursday</u>, <u>August 8, 2024</u>, and the disclosures of rebuttal experts shall be made on or before <u>Monday</u>, <u>September 9, 2024</u>.
- 6. Dispositive motions shall be filed and served no later than <u>Wednesday</u>, <u>November 6</u>, <u>2024.</u>
- 7. The joint pretrial order is due by <u>Friday</u>, <u>December 6</u>, <u>2024</u>. If dispositive motions are filed, the joint pretrial order is due thirty days from the entry of the court's rulings on the motions or by further order of the court.
- 8. Extensions of discovery: Pursuant to LR 26-3, an extension of the discovery deadline will not be allowed without a showing of good cause. All motions or stipulations to extend discovery shall be received by the Court at least twenty-one days prior to the date fixed for completion of discovery by this scheduling order, or at least twenty-one days prior to the expiration of any extension that may have been approved by the Court. The motion or stipulation shall include:
 - (a) A statement specifying the discovery completed;
 - (b) A specific description of the discovery that remains to be completed;
 - (c) The reasons why the deadline was not satisfied or the remaining discovery was not completed within the time limits set by the discovery plan; and
 - (d) A proposed schedule for completing all remaining discovery.

DATED this 8th day of April 2024.

IT IS SO ORDERED.

Hon. Maximiliano D. Couvillier III United States Magistrate Judge